

By: Hartnett, Luna

H.B. No. 11

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the compensation of state judges and county judges, to  
3 the computation of retirement benefits for state judges and for  
4 members of the elected class of the Employees Retirement System of  
5 Texas, and to providing funds for court-related purposes; making an  
6 appropriation.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 659.012, Government Code, is amended to  
9 read as follows:

10 Sec. 659.012. JUDICIAL SALARIES. (a) Notwithstanding  
11 Section 659.011:

12 (1) a judge of a district court is entitled to an  
13 annual salary from the state of at least \$125,000, except that the  
14 combined salary of a district judge from state and county sources,  
15 including compensation for any extrajudicial services performed on  
16 behalf of the county, may not exceed the amount that is \$5,000 less  
17 than the salary provided for a justice of a court of appeals other  
18 than a chief justice [~~justice of the supreme court is entitled to an~~  
19 ~~annual salary from the state that is at least \$102,463~~];

20 (2) a justice of a court of appeals other than the  
21 chief justice is entitled to an annual salary from the state that is  
22 equal to 110 percent of the salary of a district judge [~~five percent~~  
23 ~~less than the salary provided by the General Appropriations Act for~~  
24 ~~a justice of the supreme court~~], except that the combined salary of

1 a justice of the court of appeals other than the chief justice from  
2 all state and county sources, including compensation for any  
3 extrajudicial services performed on behalf of the county, may not  
4 exceed the amount that is \$5,000 [~~\$1,000~~] less than the salary  
5 provided for a justice of the supreme court;

6 (3) a justice of the supreme court other than the chief  
7 justice or a judge of the court of criminal appeals other than the  
8 presiding judge is entitled to an annual salary from the state that  
9 is equal to 120 percent of the salary of a district judge; and

10 (4) the chief justice or presiding judge of an  
11 appellate [~~a~~] court [~~of appeals~~] is entitled to an annual salary  
12 from the state that is \$2,500 more than the salary provided for the  
13 other justices or judges of the court [~~of appeals~~], except that the  
14 combined salary of the chief justice of a court of appeals may not  
15 exceed the amount that is \$2,500 [~~\$500~~] less than the salary  
16 provided for a justice of the supreme court [~~, and~~

17 [~~(4) a judge of a district court is entitled to an~~  
18 ~~annual salary from the state that is 10 percent less than the salary~~  
19 ~~provided in the General Appropriations Act for a justice of the~~  
20 ~~supreme court, except that unless otherwise provided by law, the~~  
21 ~~combined salary of a district judge from state and county sources~~  
22 ~~may not exceed the amount that is \$2,000 less than the salary~~  
23 ~~provided for a justice of the supreme court].~~

24 (b) To the extent of any conflict, the salary limitations  
25 [~~differential~~] provided by this section for the combined salary of  
26 a state [~~district~~] judge or justice from state and local sources  
27 prevails over any provision of Chapter 31 or [~~differential set by~~

1 ~~Chapter~~ 32 that authorizes the payment of additional compensation  
2 to a state judge or justice.

3 (d) In a county with more than five district courts, a  
4 district judge who serves as a local administrative district judge  
5 under Section 74.091 is entitled to an annual salary from the state  
6 that is \$5,000 more than the salary from the state to which the  
7 judge is otherwise entitled under Subsection (a)(1) [~~(e)~~].

8 (e) For the purpose of salary payments by the state, the  
9 comptroller shall determine from sworn statements filed by the  
10 justices of the courts of appeals and district judges that the  
11 required salary limitations [~~differentials~~] provided by this  
12 section are maintained. If a salary combined with additional  
13 compensation from a county [~~supplement~~] would be in excess of the  
14 limitations [~~differential~~] provided by this section, the  
15 comptroller shall reduce the state salary by the amount of the  
16 excess.

17 SECTION 2. Section 26.006(a), Government Code, is amended  
18 to read as follows:

19 (a) A county judge is entitled to an annual salary  
20 supplement from the state of \$15,000 [~~\$10,000~~] if at least 40  
21 percent of the functions that the judge performs are judicial  
22 functions.

23 SECTION 3. Section 31.001, Government Code, is amended to  
24 read as follows:

25 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.  
26 The commissioners courts in the counties of each of the 14 courts of  
27 appeals districts may pay additional compensation in an amount that

1 does not [~~to~~] exceed the limitations of Section 659.012 [~~\$15,000 a~~  
2 ~~year~~] to each of the justices of the courts of appeals residing  
3 within the court of appeals district that includes those counties.  
4 The compensation [~~payment~~] is for all extrajudicial [~~judicial and~~  
5 ~~administrative~~] services performed by the justices.

6 SECTION 4. The heading to Chapter 32, Government Code, is  
7 amended to read as follows:

8 CHAPTER 32. ADDITIONAL [~~SUPPLEMENTAL~~] COMPENSATION OF DISTRICT  
9 JUDGES [~~FOR CERTAIN DUTIES~~]

10 SECTION 5. The heading to Subchapter A, Chapter 32,  
11 Government Code, is amended to read as follows:

12 SUBCHAPTER A. ADDITIONAL COMPENSATION [~~SUPPLEMENTAL SALARY~~] PAID  
13 BY COUNTY FOR EXTRAJUDICIAL SERVICES

14 SECTION 6. Section 32.001, Government Code, is amended to  
15 read as follows:

16 Sec. 32.001. AUTHORITY FOR ADDITIONAL COMPENSATION  
17 [~~ANDERSON COUNTY~~]. (a) The commissioners court of a county  
18 [~~Commissioners Court of Anderson County~~] may pay the judges of the  
19 district courts having jurisdiction in the county additional  
20 compensation in an amount that does not exceed the limitations of  
21 Section 659.012 for extrajudicial [~~an annual salary not to exceed~~  
22 ~~\$1,200 for judicial and administrative~~] services performed by the  
23 district judges.

24 (b) The compensation [~~salary~~] shall be paid in monthly  
25 installments from the county general fund or other available funds  
26 of the county.

27 (c) The compensation [~~salary~~] is in addition to the salary

1 paid by the state and any other compensation authorized by law.

2 ~~[(d) The aggregate amount of \$2,900 is the maximum~~  
3 ~~supplemental salary that may be paid under this subchapter to a~~  
4 ~~judge of a district court having jurisdiction in Anderson County~~  
5 ~~from all counties that comprise a part of a judicial district~~  
6 ~~consisting of not less than four counties, of which two of those~~  
7 ~~counties have two or more district courts.]~~

8 SECTION 7. Section 152.0003, Human Resources Code, is  
9 amended to read as follows:

10 Sec. 152.0003. COMPENSATION. The compensation authorized  
11 under this chapter for a judge serving on a juvenile board is in  
12 addition to all other compensation provided or allowed by law for a  
13 judge. Notwithstanding any other law, the combined salary from all  
14 state and local sources of a district judge serving on a juvenile  
15 board may not exceed an amount that is \$5,000 less than the salary  
16 provided by the state for a justice of a court of appeals other than  
17 the chief justice.

18 SECTION 8. Subchapter C, Chapter 72, Government Code, is  
19 amended by adding Section 72.030 to read as follows:

20 Sec. 72.030. COLLECTION OF DATA RELATING TO JUDICIAL  
21 TURNOVER. (a) The office biennially shall collect data relating  
22 to:

23 (1) the rate at which state judges resign from office  
24 or do not seek reelection; and

25 (2) the reason for action under Subdivision (1).

26 (b) Not later than December 1 of each even-numbered year,  
27 the office shall file a report containing the data collected under

1 Subsection (a) for the preceding state fiscal biennium with the  
2 governor, the lieutenant governor, the speaker of the house of  
3 representatives, and the presiding officers of the standing  
4 committees of each house of the legislature with jurisdiction over  
5 the judiciary or appropriations.

6 (c) The report filed under Subsection (b) must include the  
7 following findings:

8 (1) whether the compensation of state judges exceeds,  
9 is equal to, or is less than the compensation of judges at  
10 corresponding levels in the five states closest in population to  
11 this state; and

12 (2) whether the compensation of state judges exceeds,  
13 is equal to, or is less than the average salary of lawyers engaged  
14 in the private practice of law.

15 (d) The purpose of filing the report with the legislature is  
16 to provide the legislature with information to facilitate  
17 legislation that ensures that the compensation of state judges is  
18 adequate and appropriate.

19 SECTION 9. Section 814.103, Government Code, is amended to  
20 read as follows:

21 Sec. 814.103. SERVICE RETIREMENT BENEFITS FOR ELECTED CLASS  
22 SERVICE. (a) Except as provided by Subsection (b), the standard  
23 service retirement annuity for service credited in the elected  
24 class of membership is an amount equal to the number of years of  
25 service credit in that class, times 2.3 [~~two~~] percent of the state  
26 salary, as adjusted from time to time, being paid a district judge.

27 (b) The standard service retirement annuity for service

1 credited in the elected class may not exceed at any time 100 percent  
2 of the state salary being paid a district judge.

3 SECTION 10. Section 133.003, Local Government Code, is  
4 amended to conform to Senate Bill No. 1704, Acts of the 79th  
5 Legislature, Regular Session, 2005, and amended to read as follows:

6 Sec. 133.003. CRIMINAL FEES. This chapter applies to the  
7 following criminal fees:

8 (1) the consolidated fee imposed under Section  
9 133.102;

10 (2) the time payment fee imposed under Section  
11 133.103;

12 (3) fees for services of peace officers employed by  
13 the state imposed under Article 102.011, Code of Criminal  
14 Procedure, and forwarded to the comptroller as provided by Section  
15 133.104;

16 (4) costs on conviction imposed in certain statutory  
17 county courts under Section 51.702, Government Code, and deposited  
18 in the judicial fund;

19 (5) costs on conviction imposed in certain county  
20 courts under Section 51.703, Government Code, and deposited in the  
21 judicial fund;

22 (6) the administrative fee for failure to appear or  
23 failure to pay or satisfy a judgment imposed under Section 706.006,  
24 Transportation Code; ~~and~~

25 (7) fines on conviction imposed under Section  
26 621.506(g), Transportation Code;

27 (8) the fee imposed under Article 102.0045, Code of

1 Criminal Procedure; and

2 (9) the cost on conviction imposed under Section  
3 133.105 and deposited in the judicial fund.

4 SECTION 11. Section 133.004, Local Government Code, is  
5 amended to read as follows:

6 Sec. 133.004. CIVIL FEES. This chapter applies to the  
7 following civil fees:

8 (1) the consolidated fee on filing in district court  
9 imposed under Section 133.151;

10 (2) the filing fee in district court for basic civil  
11 legal services for indigents imposed under Section 133.152;

12 (3) the filing fee in courts other than district court  
13 for basic civil legal services for indigents imposed under Section  
14 133.153;

15 (4) the filing fees for the judicial fund imposed in  
16 certain statutory county courts under Section 51.702, Government  
17 Code;

18 (5) the filing fees for the judicial fund imposed in  
19 certain county courts under Section 51.703, Government Code;

20 (6) the filing fees for the judicial fund imposed in  
21 certain statutory probate courts under Section 51.704, Government  
22 Code;

23 (7) fees collected under Section 118.015;

24 (8) marriage license fees for the family trust fund  
25 collected under Section 118.018; ~~and~~

26 (9) marriage license or declaration of informal  
27 marriage fees for the child abuse and neglect prevention trust fund



1 account collected under Section 118.022; and

2 (10) the filing fee for the judicial fund imposed in  
3 district court, statutory county court, and county court under  
4 Section 133.154.

5 SECTION 12. Subchapter C, Chapter 133, Local Government  
6 Code, is amended by adding Section 133.105 to read as follows:

7 Sec. 133.105. FEE FOR SUPPORT OF COURT-RELATED PURPOSES.

8 (a) A person convicted of any offense, other than an offense  
9 relating to a pedestrian or the parking of a motor vehicle, shall  
10 pay as a court cost, in addition to all other costs, a fee of \$4 to  
11 be used for court-related purposes for the support of the  
12 judiciary.

13 (b) The treasurer shall deposit 60 cents of each fee  
14 collected under this section in the general fund of the  
15 municipality or county to promote the efficient operation of the  
16 municipal or county courts and the investigation, prosecution, and  
17 enforcement of offenses that are within the jurisdiction of the  
18 courts.

19 (c) The treasurer shall remit the remainder of the fees  
20 collected under this section to the comptroller in the manner  
21 provided by Subchapter B. The comptroller shall deposit the fees in  
22 the judicial fund.

23 SECTION 13. Subchapter D, Chapter 133, Local Government  
24 Code, is amended by adding Section 133.154 to read as follows:

25 Sec. 133.154. ADDITIONAL FILING FEE IN DISTRICT COURT,  
26 STATUTORY COUNTY COURT, OR COUNTY COURT FOR SUPPORT OF JUDICIARY.

27 (a) In addition to other fees authorized or required by law, the

1 clerk of a district court, statutory county court, or county court  
2 shall collect a fee of \$37 on the filing of any civil suit to be used  
3 for court-related purposes for the support of the judiciary.

4 (b) The treasurer shall remit the fees collected under this  
5 section to the comptroller in the manner provided by Subchapter B.  
6 The comptroller shall deposit the fees in the judicial fund.

7 SECTION 14. Subchapter D, Chapter 101, Government Code, is  
8 amended by adding Section 101.062 to read as follows:

9 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE  
10 FOR SUPPORT OF JUDICIARY. The clerk of a district court shall  
11 collect on the filing of a civil suit an additional filing fee of  
12 \$37 under Section 133.154, Local Government Code, to be used for  
13 court-related purposes for the support of the judiciary.

14 SECTION 15. Subchapter E, Chapter 101, Government Code, is  
15 amended by adding Section 101.083 to read as follows:

16 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL  
17 FILING FEE FOR SUPPORT OF JUDICIARY. The clerk of a statutory  
18 county court shall collect on the filing of a civil suit an  
19 additional filing fee of \$37 under Section 133.154, Local  
20 Government Code, to be used for court-related purposes for the  
21 support of the judiciary.

22 SECTION 16. Subchapter G, Chapter 101, Government Code, is  
23 amended by adding Section 101.123 to read as follows:

24 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR  
25 SUPPORT OF JUDICIARY. The clerk of a county court shall collect on  
26 the filing of a civil suit an additional filing fee of \$37 under  
27 Section 133.154, Local Government Code, to be used for

1 court-related purposes for the support of the judiciary.

2 SECTION 17. Subchapter B, Chapter 102, Government Code, is  
3 amended by adding Section 102.022 to read as follows:

4 Sec. 102.022. COURT COST ON CONVICTION FOR SUPPORT OF  
5 JUDICIARY. A person convicted of any offense, other than an offense  
6 relating to a pedestrian or the parking of a motor vehicle, shall  
7 pay a cost on conviction of \$4 under Section 133.105, Local  
8 Government Code.

9 SECTION 18. Article IV, Senate Bill 1, Acts of the 79th  
10 Legislature, Regular Session, 2005 (the General Appropriations  
11 Act), is amended by adding the following appropriations:

12 Sec. 16. Special Provisions - Judiciary. (a) Contingent on  
13 the Comptroller of Public Accounts issuing a finding of fact  
14 certifying additional revenue collections from fees and court costs  
15 during the 2006-07 biennium that exceed the Comptroller of Public  
16 Accounts Biennial Revenue Estimate for these items by at least  
17 \$17,808,761 in fiscal year 2006 and \$23,461,314 in fiscal year  
18 2007, an amount estimated to be \$34,551,073 out of the Judicial  
19 Fund No. 573 and an amount estimated to be \$6,719,000 out of the  
20 General Revenue Fund are appropriated to the Judiciary Section,  
21 Office of the Comptroller of Public Accounts, to fund the annual  
22 salary increase for judicial officers provided by House Bill No.  
23 11, Acts of the 79th Legislature, 1st Called Session, 2005, to begin  
24 on November 1, 2005, for the state fiscal year ending August 31,  
25 2006, and to begin on September 1, 2006, for the state fiscal year  
26 ending August 31, 2007.

27 (b) Any increase in employee benefits costs associated with

1 the salary increase provided by House Bill No. 11, Acts of the 79th  
2 Legislature, 1st Called Session, 2005, and this section shall be  
3 paid only out of the appropriations made in Subsection (a) of this  
4 section, including \$6,679,000 out of the General Revenue Fund for  
5 the purposes of funding the increased costs to the Judicial  
6 Retirement System - Plan I.

7 (c) Provisions requiring salaries and benefits to be  
8 proportional to the source of funds shall apply to all sums  
9 allocated under this section, except as otherwise provided. Each  
10 court or agency shall pay the increase in compensation from funds  
11 held in the state treasury and from local funds in the same  
12 proportion as the employee's regular compensation.

13 (d) The Comptroller of Public Accounts shall promulgate  
14 rules and regulations as necessary to administer this section.  
15 Funds appropriated in this section shall be allocated to each court  
16 or agency, and to the appropriate employee benefit appropriation  
17 items, in accordance with such rules and regulations and may be used  
18 only for the purpose of providing a salary increase and paying  
19 associated employee benefit costs.

20 (e) In the appropriations to the Judiciary Section, Office  
21 of the Comptroller of Public Accounts, made by Senate Bill No. 1,  
22 Acts of the 79th Legislature, Regular Session, 2005, the  
23 Comptroller of Public Accounts shall increase appropriations out of  
24 the Judicial Fund No. 573 by \$3,054,000 in fiscal year 2006 and by  
25 \$3,665,000 in fiscal year 2007 for Strategy D.1.1, District Judges,  
26 and shall decrease the appropriations out of the General Revenue  
27 Fund for that strategy by those amounts.

1       (f) The description for Strategy A.1.4, Local  
2 Administrative Judge Supplement in the bill pattern for the  
3 Judiciary Section, Office of the Comptroller of Public Accounts, in  
4 Senate Bill No. 1, Acts of the 79th Legislature, Regular Session,  
5 2005, is replaced with the following description: Per Government  
6 Code, Section 659.012(d).

7       (g) The amount of \$20,000 out of the General Revenue Fund  
8 for each fiscal year is included in amounts appropriated in  
9 Subsection (a) of this section for the purposes of funding \$5,000  
10 salary supplements to additional judges eligible for such  
11 supplements under Section 659.012(d), Government Code.

12       (h) The name and description for Strategy C.1.1,  
13 Constitutional County Judge General Revenue Supplement in the bill  
14 pattern for the Judiciary Section, Office of the Comptroller of  
15 Public Accounts, in Senate Bill No. 1, Acts of the 79th Legislature,  
16 Regular Session, 2005, is replaced with the following name and  
17 description: Constitutional County Judge General Revenue and  
18 Judicial Fund No. 573 Supplement: Salary supplement per Government  
19 Code, Section 26.006. Estimated.

20       (i) An amount estimated to be \$469,125 in fiscal year 2006  
21 and an amount estimated to be \$748,800 in fiscal year 2007 are  
22 included in amounts appropriated out of the Judicial Fund No. 573 to  
23 the Judiciary Section, Office of the Comptroller of Public  
24 Accounts, by Subsection (a) of this section for additional district  
25 courts created on or after September 1, 2005, by Senate Bill 1189,  
26 79th Legislature, Regular Session, 2005.

27       SECTION 19. Section 51.607, Government Code, does not apply

1 to court costs or fees imposed under this Act.

2 SECTION 20. The following laws are repealed:

3 (1) Section 2, Chapter 100, Acts of the 78th  
4 Legislature, Regular Session, 2003;

5 (2) Section 4, Chapter 62, Acts of the 78th  
6 Legislature, Regular Session, 2003;

7 (3) Sections 2 and 4, Chapter 675, Acts of the 78th  
8 Legislature, Regular Session, 2003; and

9 (4) Sections 32.002 through 32.253 and 659.0125,  
10 Government Code.

11 SECTION 21. Not later than January 1, 2006, the Office of  
12 Court Administration of the Texas Judicial System shall begin  
13 collecting the data required by Section 72.030, Government Code, as  
14 added by this Act.

15 SECTION 22. (a) Section 814.103, Government Code, as  
16 amended by this Act, applies only to an annuity payment made on or  
17 after November 1, 2005.

18 (b) The Employees Retirement System of Texas shall  
19 recompute an annuity that first became payable before November 1,  
20 2005, as though Section 814.103, Government Code, as amended by  
21 this Act, was in effect on the date the annuity first became  
22 payable.

23 (c) The first payment of the recomputed annuity is payable  
24 on the first payment date occurring on or after November 1, 2005.

25 SECTION 23. For purposes of determining the salary of a  
26 county official that is based on the salary paid to a district judge  
27 by the state, the changes in law made by this Act take effect

1 November 1, 2005, and apply only to a salary payment made on or  
2 after that date. A salary payment made before November 1, 2005, is  
3 governed by the law in effect on the date the salary payment was  
4 made, and that law is continued in effect for that purpose.

5 SECTION 24. The imposition of a cost of court under Section  
6 133.105, Local Government Code, as added by this Act, applies only  
7 to an offense committed on or after the effective date of this Act.  
8 An offense committed before the effective date of this Act is  
9 covered by the law in effect when the offense was committed, and the  
10 former law is continued in effect for that purpose. For purposes of  
11 this section, an offense was committed before the effective date of  
12 this Act if any element of the offense was committed before that  
13 date.

14 SECTION 25. On November 1, 2005, the Employees Retirement  
15 System of Texas shall recompute under Section 839.102, Government  
16 Code, as amended by H.B. No. 1114, Acts of the 79th Legislature,  
17 Regular Session, 2005, the annuities of persons who have retired,  
18 or the annuities of beneficiaries of persons who have died, as if  
19 the persons had retired or died under the lesser of the salary  
20 provisions of Subtitle E, Title 8, Government Code, or the salary  
21 provisions of S.B. No. 1, Acts of the 79th Legislature, Regular  
22 Session, 2005 (the General Appropriations Act). The first payment  
23 of the recomputed annuities becomes payable on the first date a  
24 payment becomes due after the effective date of this Act.

25 SECTION 26. This Act takes effect November 1, 2005.